

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICK NEILL,

Plaintiff,

v.

STEPHANIE CLENDENIN,

Defendants.

No. 1:23-cv-00910 GSA (PC)

ORDER DIRECTING PLAINTIFF TO SHOW
CAUSE WHY DEFENDANTS' MOTION TO
DISMISS SHOULD NOT BE GRANTED

(ECF No. 14)

PLAINTIFF'S SHOWING OF CAUSE OR, IN
THE ALTERNATIVE, HIS RESPONSE TO
DEFENDANTS' MOTION TO DISMISS DUE
JUNE 13, 2024

On April 16, 2024, Defendants filed a motion to dismiss Plaintiff's complaint. ECF No. 14. Consistent with Local Rule 230, Plaintiff had twenty-one days to file a response to Defendants' motion. See Local Rule 230(l) (giving parties in prisoner actions twenty-one days to file responses to motions).

More than twenty-one days have passed and Plaintiff has not filed a response to Defendants' motion. The Court also recognizes that because the period within which Defendants were eligible to file a reply to Plaintiff's response has also closed, the Court is to deem Defendants' motion to dismiss submitted. See Local Rule 230(l). Prior to reviewing Defendants' motion, and out of an abundance of caution, Plaintiff will first be given the opportunity to show cause why Defendants' motion should not be granted. In the alternative, Plaintiff may simply file

1 a response to Defendants' motion to dismiss. He will be given thirty days to do either one or the
2 other.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Plaintiff is ordered to SHOW CAUSE why Defendants' motion to dismiss (ECF No.
5 14) should not be granted; or

6 2. In lieu of filing a showing of cause, Plaintiff may file a response to Defendants'
7 motion to dismiss, and

8 3. Within thirty days from the date of this order – **by June 13, 2024**, – Plaintiff shall
9 either file the showing of cause or file a response to Defendants' motion to dismiss.

10 **Plaintiff is cautioned that failure to comply with this order within the time allotted**
11 **may result in a recommendation that this matter be dismissed.**

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13
14 IT IS SO ORDERED.

15 Dated: May 14, 2024

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE